

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that claim 4 includes allowable subject matter.

Foreign Priority

A certified copy of Taiwanese application, TW 092107780, having a filing date of April 4, 2003, and a certified Chinese application, CN 03137381.X, having a filing date of June 19, 2003, have been submitted to the USPTO on July 13, 2004. As evidence, a copy of the returned postcard was enclosed in the last Reply filed on March 2, 2005.

A certified copy of the corresponding PCT application, PCT/CN03/00477, having a filing date of June 19, 2003, is enclosed herewith.

Accordingly, Applicant respectfully requests that the Examiner acknowledge the claim of foreign priority and the receipt of all certified copies of the priority documents.

Disposition of Claims

Claims 4, 9, 12, 15, and 17-19 were pending in this application. Please cancel claims 9, 15, 17, and 19, without prejudice or disclaimer. These claims are cancelled to place the instant application in condition for allowance, they will be prosecuted in a divisional application. After this amendment, claims 4, 12, and 18 remains pending in this application. Claims 4 and 12 are independent claims. Claim 18 depends from claim 12.

Rejection(s) under 35 U.S.C § 103

Claims 15 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over by Zhang et al. These claims have been cancelled, rendering this rejection moot.

Claims 9, 15, 17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over by Lewis et al. These claims have been cancelled, rendering this rejection moot.

Rejection(s) under 35 U.S.C § 112

Claims 9, 12, 15, and 17-19 were rejected under 35 U.S.C. § 112 as being indefinite. Claims 9, 15, 17, and 19 have been cancelled, rendering this rejection moot with respect to these claims. With respect to claims 12 and 18, this rejection is respectfully traversed.

The Examiner suggests changing “an ischemic disease” to “a local ischemia.” However, ischemia results from oxygen deficiency in tissues. For example, Merriam-Webster dictionary defines “ischemia” as: “*localized* tissue anemia due to obstruction of the inflow of arterial blood.” (See the attached Appendix). Thus, all ischemia by definition are local to the affected tissues, and the term “local ischemia” is redundant. Therefore, it will not be clear to one of ordinary skill in the art, what “local ischemia” is trying to accomplish.

Applicant respectfully asserts that the use of “an ischemic disease” as described in the specification and as used in the claims are not indefinite. One of ordinary skill in the art would know what an “ischemic disease” is. Furthermore, these claims recite “an ischemic disease that is responsive to an expression level of endothelial nitric oxide synthase (eNOS).” Dependent claim 18 further delineates the ischemic diseases to include ischemic stroke, ischemic cerebral apoplexy, ischemic cerebral thrombosis, ischemic cerebral embolism, hypoxic ischemic encephalopathy, ischemic cardiac disease, and ischemic enteropathy. One of ordinary skill would know what these ischemic diseases are. Accordingly, withdrawal of this rejection is respectfully requested.

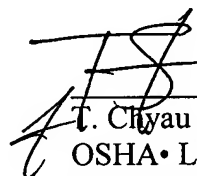
In the alternative, Applicant requests that “ischemia” be used instead of “local ischemia.”

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 10112.005001).

Respectfully submitted,

Date: September 15, 2005

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One entry found for **ischemia**.

Main Entry: **is·che·mia**

Pronunciation: is-'kE-mE-&

Function: *noun*

Etymology: New Latin *ischaemia*, from *ischaemus* styptic, from Greek *ischaimos*, from *ischein* to restrain (akin to Greek *echein* to hold) + *haima* blood -- more at **SCHEME**
 : localized tissue anemia due to obstruction of the inflow of arterial blood

- **is·che·mic** /-mik/ *adjective*

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Pronunciation Symbols

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